

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TARZ MITCHELL,

Plaintiff(s),

vs.

GREG COX, et al.,

Defendant(s).

Case No. 2:12-cv-00499-RFB-NJK

ORDER DENYING MOTION FOR
RECONSIDERATION AS MOOT

(Docket No. 66)

On December 11, 2014, the Court denied Plaintiff's motion to compel on the grounds that a proper meet-and-confer had not been conducted and that the parties were in the process of attempting to resolve discovery disputes amongst themselves. *See* Docket No. 65. On December 17, 2014, Plaintiff filed a motion for reconsideration that asserts, *inter alia*, that Defendants have failed to comply with their discovery obligations. Docket No. 66. On December 18, 2014, Plaintiff and Defendants' counsel agreed that Defendants would provide responses to the disputed discovery by January 13, 2015. *See* Docket No. 71 at 2-3 (noting, *inter alia*, that Defendants' counsel "has already mailed the Plaintiff amended responses to timely discovery and is finishing up the untimely served discovery and will serve it on or by January 13, 2015").¹

¹ Defendants failed to timely oppose the instant motion. The Court once again reminds Defendants and Defendants' counsel that the failure to file a response in opposition to a motion in a timely fashion can be deemed consent to the granting of the motion. *See* Local Rule 7-2(d). In this instance, the Court issued an order to show cause allowing Defendants to explain why the motion should not be granted as unopposed. *See* Docket No. 69. In its discretion, the Court will consider the untimely arguments presented by Defendants in responding to the order to show cause. *See* Docket No. 71. Defendants and their counsel are hereby **CAUTIONED** that future failure to timely oppose a motion may result in the Court deeming the motion unopposed without an opportunity to show cause why it should not be so granted.

1 Accordingly, the motion for reconsideration is **DENIED** as moot. Per the representations in
2 Defendants' response, the Court hereby **ORDERS** Defendants to serve responses to the disputed
3 discovery no later than January 13, 2015.

4 IT IS SO ORDERED.

5 DATED: January 12, 2015

6 
7 _____
8 NANCY J. KORPE
9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28